

in physical therapy programs operated by medical facilities licensed by the Department of Human Resources or operated by a licensed physical therapist, nor to therapeutic chambers drained, cleaned, and refilled after each individual use.

" § 130A-281. Operation permit required.

No public swimming pool may be opened for use unless the owner or operator has obtained an operation permit issued by the Department pursuant to rules adopted under G.S. 130A-282.

" § 130A-282. Commission to adopt rules.

For protection of the public health and safety, the Commission shall adopt and the Department shall enforce rules concerning the construction and operation of public swimming pools. The Commission shall classify public swimming pools on the basis of size, usage, type, or any other appropriate factor and shall adopt requirements for each classification. The rules shall include requirements for:

- (1) Submission and review of plans prior to construction.
- (2) Application, review, expiration, renewal, and revocation or suspension of an operating permit.
- (3) Inspection.
- (4) Construction and operation including water source, water quality and testing, materials, depth and other dimensions, fencing, water treatment, chemical storage, toilet and bath facilities, measures to ensure the personal cleanliness of bathers, safety equipment and other safety measures, and sewage and other wastewater disposal."

Sec. 2. G.S. 130A-39(g) reads as rewritten:

"(g) A local board of health may impose a fee for services to be rendered by a local health department, except where the imposition of a fee is prohibited by statute or where an employee of the local health department is performing the services as an agent of the State. Notwithstanding any other provisions of law, a local board of health may impose ~~a fee~~ cost-related fees for services performed pursuant to Article 11 of this Chapter, 'Sanitary Sewage ~~Systems, Systems,~~' and services performed pursuant to Part 10, Article 8 of this Chapter, 'Public Swimming Pools.' Fees shall be based upon a plan recommended by the local health director and approved by the local board of health and the appropriate county board or boards of commissioners. The fees collected under the authority of this subsection are to be deposited to the account of the local health department so that they may be expended for public health purposes in accordance with the provisions of the Local Government Budget and Fiscal Control Act."